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OFFICE OF PETITIONS

In re Application of :
Joerg Rheims, Oliver Heise, Klaus :
Doelle, Ronald Sigl, Werner Witek : DECISION ACCORDING
Application No. 10/672,817 : STATUS UNDER § 1.47(a)
Filing Date: September 26, 2003 :
Attorney Docket No. VOI0276.US :

This is in response to the "RESPONSE TO DECISION REFUSING STATUS UNDER 37 C.F.R. 1.47(a)," filed November 26, 2004.

The petition under 37 CFR 1.47(a) is **GRANTED**.

The above-identified application was filed on September 26, 2003, without an executed oath or declaration. Accordingly, a Notice to File Missing Parts of Nonprovisional Application was mailed on December 19, 2003. This Notice set an extendable period for reply of two months. On April 19, 2004, applicants filed a petition under 37 CFR 1.47(a), made timely by obtaining a two month extension of time. However, the petition was dismissed in a decision mailed on June 3, 2004. Rule 47 applicant did not establish that the non-signing inventor had been presented with a copy of the application papers. In addition, Rule 47 applicant did not submit a declaration in compliance with 37 CFR 1.63 because it contained a non-initialed, non-dated alteration.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor(s) cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 37 CFR 1.63;

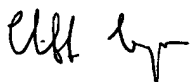
(3) the petition fee; and (4) a statement of the last known address of the non-signing inventor(s).

On renewed petition¹, Rule 47 applicant has submitted a declaration in compliance with 37 CFR 1.63 and satisfied the requirements of 37 CFR 1.47(a). Accordingly, the above-identified application is hereby accorded Rule 1.47(a) status.

Pursuant to 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the last known address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being forwarded to Group Art Unit 1731 for docketing and examination in due course.

Telephone inquiries concerning this decision may be directed to the undersigned at (571)272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions

¹ The renewed petition was made timely as applicants purchased a four month extension of time.